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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIAFILED  
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UNITED STATES OF AMERICA,

Magistrate Docket No

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff,

COMPLAINT FOR VIOLATION OF:

v.

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

Agustin VASQUEZ-Almanza,

Defendant

The undersigned complainant, being duly sworn, states:

On or about **April 18, 2008** within the Southern District of California, defendant, **Agustin VASQUEZ-Almanza**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Ismael A. Canto  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF APRIL, 2008

  
Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Agustin VASQUEZ-Almanza****PROBABLE CAUSE STATEMENT**

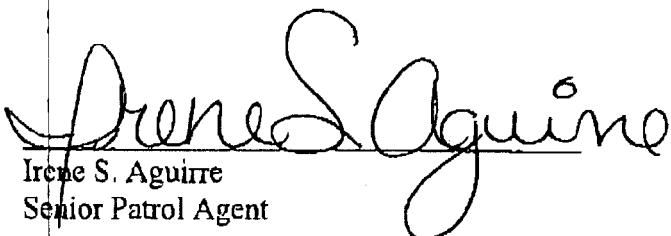
I declare under the penalty of perjury that the following statement is true and correct:

On April 18, 2008 Border Patrol Agent L. Hayes II was conducting assigned line watch duties in the area known as "Sony Split." This area is approximately five miles east of the San Ysidro, California Port of Entry and approximately one hundred yards north of the United States/Mexico International Boundary Fence and is an area of increased enforcement with razor wire. Undocumented aliens commonly use this area to further their illegal entry into the United States.

At approximately 9:45 p.m., Agent Hayes II responded to a call from Remote Visual Surveillance System via his service radio of two individuals climbing over the International Boundary Fence as well as the secondary border fence containing razor wire and running north. After an extensive search and interviewing several individuals in and around the area of the Jack in the Box on the corner of Siempre Viva Road and Otay Center Drive, Agent Hayes II approached an individual later identified as the defendant **Agustin VASQUEZ-Almanza**. Agent Hayes II identified himself as a United States Border Patrol Agent and questioned the defendant as to his citizenship. The defendant stated he is a citizen and national of Mexico and that he did not possess any immigration documents that would allow him to enter or remain in the United States legally. Agent Hayes II placed the defendant under arrest and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on April 5, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on April 20, 2008 at 10:00 a.m.



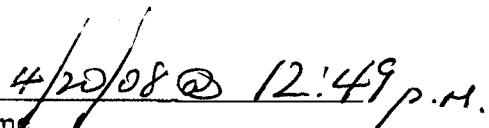
Irene S. Aguirre  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 18, 2008, in violation of Title 8, United States Code, Section 1326.



Jan M. Adler  
United States Magistrate Judge

Date/Time



4/20/08 @ 12:49 p.m.